

<b>MACKENZIE ELAINE BROWN,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>MOTION FOR</b>
	)	<b>EXTENSION OF TIME TO</b>
	)	<b>ANSWER OR</b>
<b>HENDERSON COUNTY</b>	)	<b>OTHERWISE RESPOND</b>
<b>SHERIFF’S OFFICE, et al.,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

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support of this motion, the undersigned shows unto the Court the following:

1. September 14, 2023, Plaintiff commenced this action by filing a Complaint. [DE 1]

2. Also on September 14, 2023, Plaintiff filed a motion to proceed in forma pauperis, [DE 2] which was granted on September 18, 2023. [DE 3]

3. On September 18, 2023, summons was issued to the Judicial Defendants. [DE 4]

4. On October 11, 2023, Defendant Oates was served with the summons and complaint by U.S. Marshal, making her Answer due November 1, 2023. [DE 5]

5. On October 16, 2023, summons issued to Defendant Cowan was returned unexecuted. [DE 6]

6. On October 17, 2023, summons was reissued to Defendant Cowan, and she was served by U.S. Marshal on October 25, 2023, making her Answer due November 15, 2023. [DE 8, 9]

7. The time for Judicial Defendants to file and serve an answer or other responsive pleading has not passed.

8. Between service of the Complaint upon Oates, and the time set to Answer for Oates and Cowan, undersigned counsel has had or will have the following intervening filing deadlines, which prevent her from being able to fully investigate and analyze the allegations contained in the Complaint:

- a. October 12, 2023 – prepare and file motions to quash subpoena for testimony issued to judicial official in two writ of habeas corpus proceedings in Mecklenburg County Superior Court, File Nos. 23CR426167 and 23CR421118;
- b. October, 12, 2023 – prepare and file motions for designation of exceptional case and for appointment of a special judge pursuant to Rule 2.1 in *Quintana v. State of North Carolina, et al.*, Washington County Superior Court File No. 23CVS61 and *Leech v. State of North Carolina, et al.*, Person County File No. 23CVS396. Undersigned counsel also has discovery responses due in these matters November 28, 2023 and December 1, 2023;

- c. October 16, 2023 – prepare and file reply brief in *Johnson v. Town of Smithfield, et al.*, E.D.N.C. File No. 5:23-cv-00349-D-RN.
- d. October 16, 2023 – prepare and file motion to dismiss in *Das v. State of North Carolina*, WDNC File No. 3:22-cv-00561-FDW-DCK
- e. October 20, 2023 – prepare and file motion to dismiss in *Das v. Mecklenburg County Superior Court Administration, et al.*, WDNC File No. 3:23-cv-00514-KDB-SCR
- f. October 27, 2023 and November 6, 2023 – prepare written objection to subpoena and prepare motion to quash subpoena in *Aquino v. City of Charlotte*, WDNC File No. 3:21-cv-00618-FDW-SCR
- g. October 26, 2023 – prepare for and conduct hearing on motion to dismiss in *McDaniel v. State of North Carolina, et al.*, Wake County District Court File No. 23CV011846-910;

- h. October 30, 2023 – prepare and file reply brief in *Reece v. Horner, et al.*, WDNC File No. 5:23-cv-00116-KDB-SCR;
- i. November 8, 2023 – prepare for and conduct hearing on Plaintiff's motion for reconsideration in *MacGillivray v. McMahon, et al.*, New Hanover County File No. 22CVS1635;
- j. November 8, 2023 – supplemental briefing due, and November 14, 2023 – hearing on motion for summary judgment in *NC APRI, et al. v. N.C. State Board of Elections, et al.*, MDNC File No. 1:20-cv-00876-LCB-JLW;
- k. November 16, 2023 – Answer or other responsive pleading due in *Teasley v. Hansen, et al.*, MDNC File No. 1:23-cv-00544-CCE-JLW;
- l. November 17, 2023 – Answer or other responsive pleading due in *Woods v. Edmonds, et al.*, MDNC File No. 1:23-cv-00780-TDS-JEP.

9. Judicial Defendants seek an extension and a consolidated deadline to file a joint response. Defendant Oates requests a thirty-day extension, up to and including December 1, 2023. Defendant Cowan requests a sixteen-day extension, up to and including December 1, 2023.

10. It is respectfully submitted that a these extensions will allow sufficient time for undersigned counsel to meet her obligations in other matters and fully investigate and analyze the issues raised and claims asserted in this action in order to formulate an appropriate response to Plaintiff's Amended Complaint on behalf of the Judicial Defendants.

11. This motion is filed in good faith and for the reasons stated herein, and not for the purposes of delay.

12. Undersigned counsel has not consulted with the *pro se* plaintiff regarding this motion to extend time, and consultation is not required pursuant to Local Civil Rule 7.1(b). Undersigned counsel has consulted with counsel for the remaining defendants, who does not oppose this extension of time.

WHEREFORE, the Judicial Defendants respectfully move for an order extending the time in which they have to file an answer or other

responsive pleading to Plaintiff's Complaint, up to and including, December 1, 2023.

Respectfully submitted this the 1st day of November, 2023.

JOSHUA H. STEIN  
Attorney General

/s/Elizabeth Curran O'Brien  
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*Counsel for Defendants Oates &  
Cowan*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system addressed to the following individuals:

Mackenzie Elaine Brown  
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*Pro Se Plaintiff*

This the 1st day of November, 2023.

/s/ Elizabeth Curran O'Brien  
Elizabeth Curran O'Brien  
Special Deputy Attorney General  
N.C. Department of Justice